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Attorney for
Claimant The Michael J. Miske, Jr. Revocable Living Trust and
Putative Claimant N.M., a minor

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

No. 1:25-cv-00028 DKW-KJM

Plaintiff,

v.

**SUPPLEMENTAL
MEMORANDUM RE:
GENERAL GUARDIAN OF
N.M.**

REAL PROPERTY LOCATED AT 6
LUMAHAI STREET IN PORTLOCK,
HAWAII, TOGETHER WITH ALL
APPURTENANCES AND
IMPROVEMENTS; ET AL

Defendant *in rem*.

N.M., a minor,

Putative Claimant.

On April 8, 2025, in light of putative claimant N.M.'s mother's status as a criminal Defendant in this court, facing a lengthy sentence of incarceration, N.M., a minor, filed a Motion to Appoint a Next Friend to enter into this action and deem

her concurrently lodged claim filed, seeking to appoint N.M.'s paternal great-grandmother, Maydeen Stancil, as N.M.'s next friend in this litigation under Rule 17(c)(2). Doc. 26.

On April 10, 2025, a letter by N.M.'s maternal grandfather, dated March 16, 2025, was filed in N.M.'s mother's criminal case, indicating that he "recently" filed a petition to name himself guardian of N.M.. Case No. 19-cr-00099-DKW-KJM, Doc. 1888-2 at 4.

On May 5, 2025, this Court (in this civil forfeiture action) issued an order stating that "appointment of a next friend under Rule 17(c)(2) is only permissible where there is no duly appointed representative under Rule 17(c)(1)" and in view of the apparent petition by N.M.'s maternal grandfather, directed "N.M. to file a supplemental memorandum indicating whether N.M. has a duly appointed representative as defined in Rule 17(c)(1), no later than May 8, 2025." Doc. 35.

Undersigned has been informed that N.M.'s maternal grandfather has been granted joint guardianship of N.M. along with N.M.'s mother Delia Fabro-Miske, per Hawaii family court order, but has yet to obtain and view said order.

Given the above, in view of the Court's stated inclination to decline appointment of N.M.'s paternal great-grandmother as N.M.'s next friend in this litigation under Rule 17(c)(2) if N.M. has a duly appointed representative, and in light of the fact that Plaintiff just filed an amended complaint yesterday (Doc. 36),

undersigned respectfully requests that the Court order that any heir/s to the late Michael J. Miske, Jr. be permitted 35 days within which to file a claim. *See* Rule G(4)(b)(i) & (ii)(B) (deadline for filing a claim must be at least 35 days after government provides notice of filing complaint which must include copy of complaint); Fed.R.Civ.P. 17(c)(2) (“...The court must ... issue another appropriate order—to protect a minor [] who is unrepresented in an action.”)

Dated: May 8, 2025

Respectfully submitted,

/s/Edward M. Burch
EDWARD M. BURCH
Law Offices of Michael and Burch

Attorney for Claimant The Michael J.
Miske, Jr. Revocable Living Trust and
Putative Claimant N.M.
Putative Claimant N.M., a minor